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**JUN 16 2008**

**OFFICE OF PETITIONS**

In re Application of :  
Chatterjee : DECISION ON PETITION  
Application No. 09/558,421 :  
Filed: April 26, 2000 :  
Atty. Dkt. No.: IVGN 131.3 CON :

This decision is in response to the petition to withdraw the holding of abandonment under 37 CFR 1.181 filed April 2, 2008.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is hereby GRANTED.

This application was held abandoned for failure to timely take action subsequent to a decision by the Board of Patent Appeals and Interferences mailed March 15, 2007. Notice of Abandonment was mailed February 26, 2008.

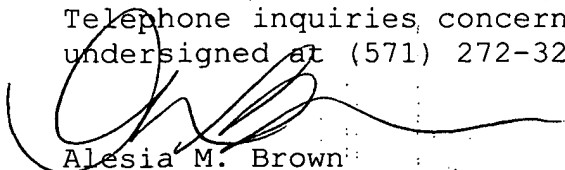
Petitioner argues that in accordance with 35 USC 146, on May 15, 2007, civil action was timely sought after the issuance of the Board decision. Petitioner further states that notice of the commencement of the civil action was filed with the USPTO on May 30, 2007 and have provided as proof of USPTO receipt of notice a postcard date-stamped May 30, 2007.

In view of the evidence of commence of civil action following the Board decision, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

This application is being forwarded to Group Art Unit 1652.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

  
Alesia M. Brown  
Petitions Attorney  
Office of Petitions